



Image ACE/1615

Patent  
Attorney's Docket No. 016800-450

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
Lionel BRETON et al.	)	Group Art Unit: 1615
Application No.: 09/888,015	)	Examiner: Thurman Page
Filed: June 25, 2001	)	Confirmation No.: 9059
For: USE OF CINNAMIC ACID OR ITS	)	
DERIVATIVES IN A COSMETIC FIRING	)	
COPOSITION	)	

**REMARKS IN SUPPLEMENT TO REQUEST FOR CONTINUED EXAMINATION**

Commissioner for Patents  
P.O. Box 1450  
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Sir:

On March 31, 2004, applicants filed a Request for Continued Examination (with an appropriate Petition for Extension of Time) and requested consideration of the Reply and Amendment and Terminal Disclaimer filed on December 31, 2003.

Also on March 31, 2004, the Examiner issued an Advisory Action regarding the December 31, 2003 amendment. As applicants' representative did not receive the Advisory until after the Request for Continued Examination had been filed, it was not possible to comment on the Advisory Action at that time. However, applicants request that the Examiner take the present remarks into consideration when he enters and considers the December 31, 2003 response in accord with the Request for Continued Examination which has recently been filed.

In the Advisory Action, the Examiner indicates that the insertion of the term "alleviating the effects of menopause" raises a 35 U.S.C. § 112, first paragraph issue based on the failure of the specification to present persuasive evidence that generic and/or specific effects of menopause are in fact eliminated. Further, the prosecuted claims were considered to be drawn to a cosmetic formulation and not specifically directed to a pharmaceutical, and because of the art recognized distinction a new search would be required.

Applicants first wish to point out that the claim language does not broadly encompass alleviating the effects of menopause, but rather alleviating the effects of menopause on the skin. While a pharmaceutical may be needed to treat some effects of the menopause, for example hot flashes, some effects of the menopause can be treated cosmetically, notably the effects on the skin.

As taught in the instant specification beginning at the bottom of page 2, during the menopause, the main changes relating to the dermis are a decrease in the level of collagen and in the thickness of the dermis. In menopausal women, this results in thinning of the skin and/or mucous membranes. These women thus experience a sensation of "dry skin" or of skin which feels tight and an increase in the level of surface wrinkles and fine lines is observed. The skin looks rough to the touch. Lastly, the skin is less supple.

As further noted in the specification, women lose 2% of their level of collagen per year after menopause and 30% is lost in the first five years after the menopause. Thus, the importance of collagen fibers in the skin and the importance of maintaining, or even reinforcing, their presence can be appreciated in the case of the menopause. Other causes of loose, wrinkled skin are discussed on page 2 of the specification.

Moreover, applicants have demonstrated in Example 1 the surprising ability of cinnamic acid to stimulate collagen synthesis.

Still further, it is respectfully pointed out that the expression "alleviating the effects of menopause on the skin" has been present in applicants' claims from the time of filing. See, by way of example only, original Claim 21, and Claim 30 presented in the Preliminary Amendment filed June 25, 2001. Claim 30 remained in the application until the December 31, 2003 Reply and Amendment Following Final Rejection, at which time it was consolidated with Claim 27 by inserting the language "or for alleviating the effects of menopause on the skin" in Claim 27 and canceling Claim 30 in light of an objection made by the Examiner.

Thus, quite clearly, the December 31, 2003 Reply and Amendment Following Final Rejection does not raise new issues regarding the first paragraph of 35 U.S.C. § 112 and does not require further search.

Respectfully submitted,

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